

United States District Court
Eastern District of Michigan

JUL 06 2009

CLERK'S OFFICE

DETROIT

United States of America

v.

**Memorandum Opinion on ORDER SETTING
CONDITIONS OF RELEASE; and
Order Dismissing Without Prejudice Count III
of Transferred Information**

Kevin Baker

Defendant

Case Number: 08-20631

Defendant is charged in an information with misdemeanor violations of the assimilated crimes act, 18 U.S.C. § 7, 13 related to driving offenses on a military base in the District of Washington. Defendant originally appeared on a removal petition/transfer petition (Case. No. 08-30351) on August 8, 2008. Defendant was released on a \$10,000 Unsecured Bond with conditions.

Subsequently, Rule 20 Transfer Papers were processed under the above case number and defendant agreed to plead guilty pursuant to a Rule 11 Plea agreement. The case was assigned to Chief Judge Rosen and Magistrate Judge Pepe. However, defendant stopped reporting and failed to keep in touch with his attorney in the Federal Defenders Office, Andrew Wise. No consent to proceed before the magistrate judge was ever signed and defendant was never arraigned on the information after the case was transferred.

A status conference was set before Chief Judge Rosen for May 15, 2009. Defendant failed to appear. On May 26, 2009, Chief Judge Rosen issued an arrest warrant for defendant. This court was advised at 5:00 pm on July 2, 2009 that defendant was in the Jackson County Jail, being held on the federal detainer filed by the U.S. Marshal. The court was not advised that the detainer related to a bench warrant.

At 7:00 pm on July 2, 2009, the U.S. Marshal brought defendant to the Ann Arbor Courthouse. After a call with the Chief Judge, this court released defendant to appear at Pretrial Services in Detroit and at duty court on Monday, July 6, 2009. Bond papers were signed for this purpose. No recording was made of the proceeding because no recording facilities or personnel were available.

On July 6, 2009, defendant appeared at Pretrial Services, at his attorney's office, and in court. Pretrial recommended reinstatement of the original bond. An order reinstating bond was entered. Defendant was arraigned on the information and a plea of not guilty was entered. Count III was dismissed without prejudice on the government's motion, to be dismissed with prejudice when defendant pleads guilty to counts I (OUIL) and II (Reckless Driving) at a later date.

The court was advised by Mr. Wise that the next court date was to be July 8, 2009 at 10:00 AM before Chief Judge Rosen and defendant was so advised. Defendant was released on bond with instructions to appear and to abide by all bond conditions.

Date 7/6/09

s/Virginia M. Morgan

Signature of Judge

Virginia M. Morgan, United States Magistrate Judge

Name and Title of Judge